

JUN 25 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90065

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that a district judge made various improper substantive and procedural rulings while handling his section 2255 motion. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). A misconduct complaint is not the proper vehicle for challenging the merits of a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant's request for review of his underlying case is dismissed; such requests are not cognizable in this misconduct complaint procedure. See Judicial-Conduct Rule 3(h); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009). Any review of the district court's ruling must be sought in the court of appeals.

Complainant's charges against another district judge, now retired, are

dismissed as moot. See In re Charge of Judicial Misconduct, 91 F.3d 90, 91 (9th Cir. Jud. Council 1996).

DISMISSED.